UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,452	09/18/2001	Norman R. Buck	7203	7527

7590 08/02/2005

John P. McGonagle
Law Offices of John P. McGonagle
800 Hingham Street -2N
Rockland, MA 02370

EXAMINER	
LAM, WAI YIP	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/954,452	BUCK ET AL.	
	Examiner	Art Unit	
	Wai Lam	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1 - 8 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1 - 8 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 9/18/2001.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 5 recites the limitation "...a microprocessor within said housing...". There is insufficient antecedent basis for this limitation in the claim.

Changing "Said housing" to "said first housing" or "said second housing" would avoid this rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,025,869 (Stas et al.).

As to claim 1, Stas et al. teaches a video signal timer switch (Telecommander 10 in Figure 1a), comprising, in combination: a television monitor (Unit 20 in Figure 1a), an incoming signal source; a video switch (Telecommander 10 in Figure 1a) interconnecting said

television monitor (Unit 20 in Figure 1a) and said signal source (Column 3, lines 19 – 22).

Stas et al. also teaches said switch comprising: a housing comprising: a top, a bottom and four sides interconnecting said top and bottom (Unit 10 in Figure 1a).

Stas et al. also teaches a control pad within said housing and protruding through said housing top (Unit 26 in Figure 1a).

Stas et al. also teaches said pad being comprised of a plurality of keys adapted to enter codes and commands into the video switch (Column 3, lines 65 – 67, Column 4, lines 45 – 48, Column 7, lines 41 - 42).

Stas et al. also teaches a plurality of video input jacks each adapted to receive said incoming signal source (Column 3, lines 26 –27, Unit 424 in Figure 4).

Stas et al. also teaches a video output jack (Unit 434 in Figure 4a) adapted to operatively connect said signal source to said television monitor (Column 3, lines 52 – 54).

Stas et al. also teaches an electronic control input module (Unit 460 in Figure 4) within said housing, said control module (Unit 460 in Figure 4) adapted to receive signals from said control pad (Column 7, lines 42 – 44), translate said signal into control signals and pass said control signals to a

microprocessor within the housing (Control in unit 438 in Figure 4, Column 7, lines 53 – 59).

Stas et al. also teaches a microprocessor (Unit 438 in Figure 4) within said housing (Unit 438 in Figure 4) and interconnected to said control module (Unit 460 in Figure 4), wherein said microprocessor (Unit 438 in Figure 4) is adapted to receive said control signals from the control pad (Column 7, lines 53 – 59); an input switch (Unit 416 in Figure 4) within said housing interconnected to said microprocessor (Unit 438 in Figure 4), said input switch (Unit 416 in Figure 4) adapted to receive and select an incoming signal source (Column 6, lines 11 – 16).

Stas et al. also teaches a video controller/combiner (Modulator 402 in Figure 4) within said housing and interconnected to said microprocessor (Unit 438 in Figure 4), said input switch, and said video output jack (Unit 434 in Figure 4a), said controller/combiner (Modulator 402 in Figure 4) adapted to interconnect said incoming signal source with said television monitor (Figure 4). The interconnection is made possible by way of bus 404 in Figure 4.

As to claim 2, see rejection of claim 1 and note that Stas et al. also teaches a video signal timer switch further comprising: programming means within said microprocessor wherein said programming means allots an amount of time in which said video controller/combiner

interconnects said incoming signal source with said television monitor (Column 8, lines 23 – 27, Column 8, lines 53 – 57).

As to claim 3, see rejections of claims 1 and 2 and note that Stas et al. also teaches a video signal timer switch wherein: said programming means includes means for displaying visual indicia on said television monitor (Column 8, lines 23 – 27).

As to claim 4, see rejections of claims 1, 2, and 3, and note that Stas et al. also teaches a video signal timer switch wherein: said video controller/combiner includes means for combining said visual indicia with said incoming signal source (Input connections of Modulator 402 in Figure 4). Modulator 402 receives inputs from the graphics generator (Column 7, lines 19 – 22) and also receives video signal from cable box 408 in Figure 4 where the signal is routed from RF switch 404 to modulator 402 (Column 6, lines 18 – 19). Therefore, Video controller/combiner (Modulator 402 in Figure 4) combines signals generated from the graphics processor and video signals from cable box.

As to claim 5, Stas et al. teaches a video signal timer switch (Telecommander 10 in Figure 1a), comprising, in combination: a television monitor (Unit 20 in Figure 1a); an incoming signal source; a video switch (Telecommander 10 in Figure 1a) interconnecting said television monitor (Unit 20 in Figure 1a) and said signal source (Column 3, lines 19 – 22).

Stas et al. also teaches a switch comprising: a first housing comprising: a top, bottom, and for sides interconnecting said top and bottom.

Stas et al. also teaches a control pad within said first housing and protruding through said first housing top, said pad being comprised of a plurality of keys adapted to entering codes and commands into the video switch (Figure 2a).

Stas et al. also teaches an infrared transmitter within said first housing, electronically connected to said control pad, and having means along one of said sides for transmitting an infrared signal (Figure 2c, Column 4, lines 61 – 67, Column 5, lines 5 – 13).

Stas et al. also teaches a second housing comprising: a top, bottom, and four sides interconnecting said top and bottom (Unit 10 in Figure 1a).

Stas et al. also teaches a plurality of video input jacks each of which is adapted to receive said incoming signal source (Column 3, lines 26 –27, Unit 424 in Figure 4).

Stas et al. also teaches a video output jack adapted to operatively connect said signal source to said television monitor (Column 3, lines 52 – 54); an infrared receiver within said second housing, and having means along one of said sides for receiving an infrared signal (Column 6, lines 4 – 6).

Stas et al. also teaches an electronic control input module (Unit 460 in Figure 4) within said second housing and electronically connected to said infrared receiver, said control module (Unit 460 in Figure 4) adapted to receive signals from said control pad (Column 7, lines 42 – 44) through said infrared transmitter and said infrared receiver (Column 6, lines 4 – 6), translate said signals into control signals and pass said control signals to a microprocessor (Unit 438 in Figure 4) within the second housing (Control in unit 438 in Figure 4, Column 7, lines 41 – 44,53 – 59).

Stas et al. also teaches a microprocessor (Unit 438 in Figure 4) within said housing and interconnected to said control module (Unit 460 in Figure 4), wherein said microprocessor (Unit 438 in Figure 4) is adapted to receive said control signals from said control module (Unit 438 in Figure 4); an input switch (Unit 416 in Figure 4) within said second housing and interconnected to said microprocessor (Unit 438 in Figure 4), said input switch (Unit 416 in Figure 4) adapted to receive and select an incoming signal source (Column 6, lines 11 – 16);

Stas et al. also teaches a video controller/combiner (Modulator 402 in Figure 4) within said second housing and interconnected to said microprocessor (Unit 438 in Figure 4), said input switch (Unit 416 in Figure 4), and said video output jack (Unit 434 in Figure 4a), said controller/combiner adapted to interconnect said incoming signal source

with said television monitor (Figure 4). The interconnection is made possible by way of bus 404 in Figure 4.

As to claim 6, see rejection of claim 5 and note that Stas et al. also teaches a video signal timer switch further comprising: programming means within said microprocessor wherein said programming means allots an amount of time in which said video controller/combiner interconnects said incoming signal source with said television monitor (Column 8, lines 23 – 27, Column 8, lines 53 – 57).

As to claim 7, see rejections of claims 5 and 6 and note that Stas et al. also teaches a video signal timer switch wherein: said programming means includes means for displaying visual indicia on said television monitor (Column 8, lines 23 – 27).

As to claim 8, see rejections of claims 5, 6, and 7, and note that Stas et al. also teaches a video signal timer switch wherein: said video controller/combiner includes means for combining said visual indicia with said incoming signal source (Input connections of Modulator 402 in Figure 4). Modulator 402 receives inputs from the graphics generator (Column 7, lines 19 – 22) and also receives video signal from cable box 408 in Figure 4 where the signal is routed from RF switch 404 to modulator 402 (Column 6, lines 18 – 19). Therefore, Video controller/combiner (Modulator 402 in Figure 4) combines signals generated from the graphics processor and video signals from cable box.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wai Lam whose telephone number is (571) 272-2827. The examiner can normally be reached on Monday - Friday 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John Miller
7-28-05

***